

**BEFORE THE
ZONING COMMISSION
FOR THE DISTRICT OF COLUMBIA**

Z.C. CASE NO. 22-28

**PREHEARING SUBMISSION
FOR DESIGN REVIEW
IN THE
M AND SOUTH CAPITOL STREETS SUB-AREA**

**1100 SOUTH CAPITOL STREET, SE
SQUARE 698, LOTS 814 & 817**

October 28, 2022

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I. INTRODUCTION

This Prehearing Statement and accompanying documents are submitted on behalf of 1100 SOUTH CAPITOL, LLC (the “Applicant”) in support of its application to the Zoning Commission for the District of Columbia (the “Zoning Commission”) for Design Review under the M and South Capitol Streets Sub-Area for property located at 1100 South Capitol Street, SE (Square 698, Lots 814 and 817) (the “Property”). The application was submitted pursuant to the Design Review provisions of Subtitle I, Section 616.8 and Subtitle I, Chapter 7 of the District of Columbia Zoning Regulations, Title 11 of the District of Columbia Municipal Regulations (“DCMR”). The Property is subject to Design Review by the Zoning Commission due to its location within the M and South Capitol Streets Sub-Area. *See* Subtitle I §§ 616 and 701.

The Applicant proposes to develop the Property with a residential building containing approximately 301,249 square feet of gross floor area (“GFA”), approximately 263 dwelling units, and extensive landscape and streetscape improvements (the “Project”). A detailed description of the Project’s components, including the architectural design and massing, materials, access and circulation, landscape and streetscape design, and sustainable features, is provided at pages 2-5 of the Applicant’s Statement in Support (Exhibit 4).

As shown on the updated Architectural Plans and Elevations attached hereto as Exhibit A (the “Updated Plans”), the Applicant has made positive updates to the Project to incorporate specific feedback and address comments from the Office of Planning (“OP”), the District Department of Transportation (“DDOT”), the Department of Energy and the Environment (“DOEE”), and the affected Advisory Neighborhood Commission (“ANC”) 6D. The Applicant has also worked closely with the owner of the property immediately to the south (Square 698, Lot 818), which is improved with the St. Vincent de Paul Church (the “Church Property”), and proposes exterior improvements to the Church Property as shown in the Updated Plans. Furthermore, the Applicant has met with the condominium board of the abutting condominium building known as The Kennedy on L (the “Kennedy”), which is further discussed below. The Updated Plans are intended to replace and supersede the architectural drawings previously submitted to the case record at Exhibit 4C. Descriptions of the proposed updates are included herein.

II. BACKGROUND

A. The Property

As described in the Applicant’s initial Statement in Support (Exhibit 4), the Property is located on the western portion of Square 698 and is bounded by L Street, SE to the north, a 15-foot public alley to the east, private property to the south, and South Capitol Street to the west. The Property includes approximately 32,556 square feet of land area and is currently improved with a surface parking lot. The Property is zoned D-5 and is located within the M and South Capitol Streets Sub-Area.

As shown on the alley closing plat recorded in the Office of the Surveyor for the District of Columbia on June 8, 1988 (Exhibit 4B), portions of the public alley in Square 698 were closed pursuant to D.C. Law 7-65, effective January 28, 1988. As part of the alley closing, a non-exclusive north-south surface easement was established on the east side of the Property, to a height of 16 feet (the “Alley Easement”). The Alley Easement extends for the majority of the Property’s east frontage along the alley. As part of the subject application, the Applicant will provide a five-foot setback for the remaining portion of the Property’s east frontage to extend the five-foot setback along the entire extent of the north-south alley abutting the Property. Accordingly, the alley is effectively 20 feet for the entire frontage of the Property along the alley, creating a more workable alley system for vehicles accessing the Property as well as for other developments abutting the alley system.

The Property also benefits from a light and air easement over the Church Property (the “Church Easement”). The Church Easement prohibits any development over the northern-most 20 feet of the Church Property to allow for windows to be provided on the southern façade of vertical development on the Property. The Church Easement also permits tie-backs under, and crane swings over, the area of the Church Easement. The area of the Church Easement is presently used as a surface parking lot for the Church.

B. The Surrounding Neighborhood

The Property is located in the Capitol Riverfront neighborhood of the District. The Property is surrounded by three other properties in Square 698: (i) to the east, across the north-south public alley, is the recently-completed Kennedy, a residential condominium building (Square 698, Lot 27); (ii) to the south of The Kennedy, at the intersection of M and Half Streets, is an office building known as 20 M Street (Square 698, Lot 32); and (iii) to the south of the Property is the Church Property. Across South Capitol Street to the west of the Property is a largely vacant site that was approved by the Zoning Commission to be developed with a 130-foot tall mixed-use residential building pursuant to Z.C. Order No. 20-14, effective as of November 5, 2021.

The neighborhood is well-served by public transit, including the green Metrorail line which serves the Navy Yard Metrorail station located directly across M Street, one-half block south of the Property. A number of Metrobus routes also run through the neighborhood, many of which have stops located within 0.2 miles of the Property, and four of which are located directly to the south of the Property on M Street, SE. Similarly, the DC Circulator follows M Street, SE and M Street, SW, with a stop less than one block from the Property. The Property is also located approximately three blocks south of the Southeast Freeway.

III. PROJECT UPDATES

As referenced above, since filing the application, the Applicant engaged with OP, DDOT, DOEE, ANC 6D, and the Kennedy and in doing so has made the following updates to the Project in response to specific comments raised by the District agencies and the community:

A. Updates to Architectural Plans

- a. South Capitol Street – Ground Floor Streetwall – The Applicant relocated the ground level courtyard facing South Capitol Street to the second level. This change was due to concerns with a lack of pedestrian engagement at the street level and constraints associated with fitting all of the required residential amenity space and mechanical systems in the building. As shown on Sheets A09 and A15 of the Updated Plans, the ground floor façade along South Capitol Street now includes large storefront windows with amenity space inside to bring the streetwall closer to the sidewalk and to provide greater activation at the pedestrian level. As noted in the Applicant’s Statement in Support (Exhibit 4), a portion of the amenity space has been designed to convert to retail space in the future should demand increase in this location.

The relocated courtyard at the second level of the building will be visually attractive for building residents, help to meet stormwater management and Green Area Ratio (“GAR”) requirements, and establish an open court to allow for a residential floor plate on the upper levels of the building. *See* Sheets A10, L102, and L103 of the Updated Plans.

As shown on Sheet A19 of the Updated Plans, the South Capitol Street façade continues to meet the streetwall requirements of Subtitle I § 616.7.

- b. L Street Entrance – In response to feedback from OP that the primary pedestrian entrance needed more prominence, the Applicant revised the L Street façade design to create a double-height lobby and a projecting bay. *See* Sheet A16 of the Updated Plans. The building’s prior design had a series of bay windows along the north façade, all of which were removed to create a focal point above the main entrance.
- c. Alley Façade – In response to comments from OP, the Applicant increased the articulation of the building’s east-facing façade fronting the public alley, as shown on Sheet A18 of the Updated Plans.
- d. Landscape Plans – The Applicant refined the landscape plans to better articulate the planting scheme within the 15-foot building setback along South Capitol Street. As shown on Sheets L100 and L101 of the Updated Plans, a lush landscaped area is proposed for the setback within the property line, which area will include new plantings, bioretention areas, trees and tree pits, and a pedestrian walkway.

The Applicant also engaged DDOT on the public space improvements along South Capitol and L Streets to ensure that they are consistent with DDOT standards. DDOT is currently updating the streetscape guidelines applicable to Phase II of the South Capitol Street Corridor Project, which includes the area abutting the Property, and therefore indicated that it would review the public space plans associated with the Project in more detail during the public space review and approval process. Accordingly, as stated on the Updated Plans, the improvements shown in public space are subject to final review and approval by DDOT.

- e. Pick-Up/Drop-Off Zone – As shown on Sheet A05 of the Updated Plans, the Applicant proposes a pick-up/drop-off (“PUDO”) zone for vehicles accessing the Property. The PUDO zone will be approximately 60 feet long, accommodating three cars, and will be located adjacent to the building’s primary residential entrance on L Street, SE. In addition, the Applicant proposes a separate 30-foot curbside loading zone farther to the east on L Street, near the intersection with the north-south alley, which is in addition to the full-sized and zoning-compliant loading facilities located within the building and accessed from the public alley. Both the PUDO zone and the curbside loading zone will help reduce the number of vehicles stopping in traffic to load or unload, including both short-term deliveries (e.g., FedEx and UPS) and building residents and visitors (e.g., Uber and Lyft). The curbside loading zone can also be used for access to other nearby buildings, providing further relief for short-term loading and unloading.
- f. Penthouse – As shown on Sheet A13 of the Updated Plans, the Applicant added two residential units to the penthouse, which will generate a contribution of approximately \$102,000 to the Housing Production Trust Fund (“HPTF”). The exact amount of the contribution and timing for payment will be provided in accordance with Subtitle C § 1507.6 *et seq.*
- g. Improvements to the St. Vincent de Paul Church – As the Property’s southern neighbor, the Applicant has worked closely with representatives of the Church for more than a year and has agreed to complete exterior improvements to the Church Property to further enhance South Capitol Street as a monumental boulevard and generally improve the urban aesthetic of the block. As shown on Sheets C01 to C08 of the Updated Plans, these improvements include new landscaping, including trees, lawn areas, plantings, and planters; new fences and gates; a dumpster and dumpster enclosure; relocated signage and statue; repaved parking lot; and a repointed and painted rectory façade to better complement the Church. While the final details will be as approved by the Church, the Applicant believes that the proposed improvements will result in more appealing accommodations for members of the Church, residents and visitors of the surrounding area, and pedestrians walking in the neighborhood. The Church has submitted a letter in support of the application (Exhibit 9).

- h. Updated Renderings – As shown on Sheets A26 and A27 of the Updated Plans, the Applicant has provided additional renderings showing the Project, including views along the sidewalk to better demonstrate the pedestrian experience adjacent to the building.
- i. Signage Plan – As shown on Sheet S01 of the Updated Plans, the Applicant added a signage plan for the Project. If ground floor retail is provided in the future, any associated signage would be located at the storefront level and would be consistent with all applicable signage regulations.
- j. Lighting Plan – As shown on Sheets LTG01 to LTG04 of the Updated Plans, the Applicant added a lighting plan for the building (the “Lighting Plan”). As shown on those sheets, the lighting will provide functional illumination for building occupants and comply with code requirements.

B. Updates on Environmental and Sustainability Elements

The Applicant met with DOEE on August 5, 2022, to seek feedback on the Project and to ensure that it minimizes impact on the environment and complies with DOEE standards. DOEE’s feedback fell into several general categories, which are described below:

- 1. Energy Use – DOEE encouraged the Applicant to consider renewable energy sources. Based on this feedback, the Applicant evaluated options for renewable energy storage and EV charging infrastructure. The Applicant has committed to providing EV charging stations in the parking garage that will be able to provide power for 25 vehicles, and will also build infrastructure that will be able to provide power for an additional 25 vehicles in the future (“EV-ready”), which would result in a total of 50 parking spaces having access to EV-charging stations (approximately 30% of the total number of spaces).

The Applicant will also provide a minimum of eight outlets in the long-term bicycle storage room for residents to plug in electric bicycles and/or scooters.

- 2. Building Systems – DOEE encouraged the Applicant to consider options for electrification of the entire building. The Applicant continues to evaluate the option for full electrification but cannot commit to being 100% electric at this time. However, the Applicant proposes to use an electric heat pump system and has designed the building with a window-to-wall ratio of approximately 40%. Together, these create a highly energy efficient building and shell. As part of the Applicant’s quality assurance and quality control process, it will also evaluate apartment compartmentalization through a blower door test to ensure airtight construction and minimize air transfer and leakage. The benefits of this process include not just energy use reduction but also improved indoor air quality.
- 3. Floodplain – DOEE acknowledged that the Property is not within the 100-year or 500-year floodplain, but encouraged the Applicant to incorporate resilient design strategies

nonetheless. The Applicant will consider this recommendation as it goes through the more detailed building design process.

4. Embodied Carbon – DOEE encouraged the Applicant to do a lifecycle assessment of building materials to measure the impacts of such materials and reduce embodied carbon wherever possible. In response, the Applicant will use a low-carbon concrete specification that requires aggressive cement replacement percentages to lower its embodied carbon footprint and move the market towards more sustainable practices. The Applicant's specification targets a replacement value of over 60%, as opposed to the traditional replacement value of 20-45%, and will therefore help to reduce carbon emissions associated with concrete production.

Further, the Applicant will conduct a Life Cycle Assessment on the Project's structural and envelope components, which elements generally comprise over 70% of an entire building's embodied carbon footprint. Doing so will help to optimize the building design and procurement with respect to greenhouse gas emissions.

The Applicant will also reduce combustion where possible, which will be evaluated later in the building design process.

5. LEED Certification Standard – The Project has been designed to meet the standards of LEED-NC Gold under the LEED v.4 standard. DOEE requested whether the Applicant considered using the LEED Homes standard as its certification standard. While the Applicant did consider use of this standard, it opted to move forward with the LEED-NC standard based on the Applicant's experience with this standard. In addition, the Applicant found that the credit requirements under LEED Homes, even in the midrise program, are more aligned with stick-built, low-rise construction and not ideal for larger scale projects with more sophisticated HVAC and construction types. That being said, the Applicant's internal sustainability testing and methods described above, which include enhanced commissioning and blower door testing, cover the beneficial aspects of LEED Homes within the framework of the LEED-NC certification standards.

C. Transportation Updates

1. Transportation Demand Management ("TDM") – As part of its engagement with DDOT, the Applicant proposed a TDM plan to reduce the demand of single-occupancy private vehicles during peak period travel times and to shift such single-occupancy vehicular demand to off-peak periods. The Project's proposed TDM plan is included at pages 27-28 of the Applicant's Comprehensive Transportation Review ("CTR") (Exhibit 11A).
2. Trip Generation – As noted above, the Applicant increased the number of units within the Project from 248 to 263. This increase in units results in a modest increase to the previously-submitted trip generation analysis included in the Applicant's CTR. The 263 units will generate two additional morning trips (both outbound) and two afternoon trips (one inbound and one outbound).

3. PUDO Zone and Curbside Loading – As noted above, in response to concerns raised by the ANC, the Applicant now proposes a 60 foot long PUDO zone and a 30 foot long curbside loading zone on L Street to accommodate pick-up and drop-offs (e.g., Uber, Lyft) and short term deliveries (e.g. FedEx, UPS), without double-parking on L Street and blocking traffic.

D. Additional Witnesses

The Applicant previously submitted outlines of testimony and resumes for the witnesses that the Applicant intends to call as experts at the public hearing (Exhibits 4E and 4F). The Applicant may also call the following two individuals to testify at the public hearing:

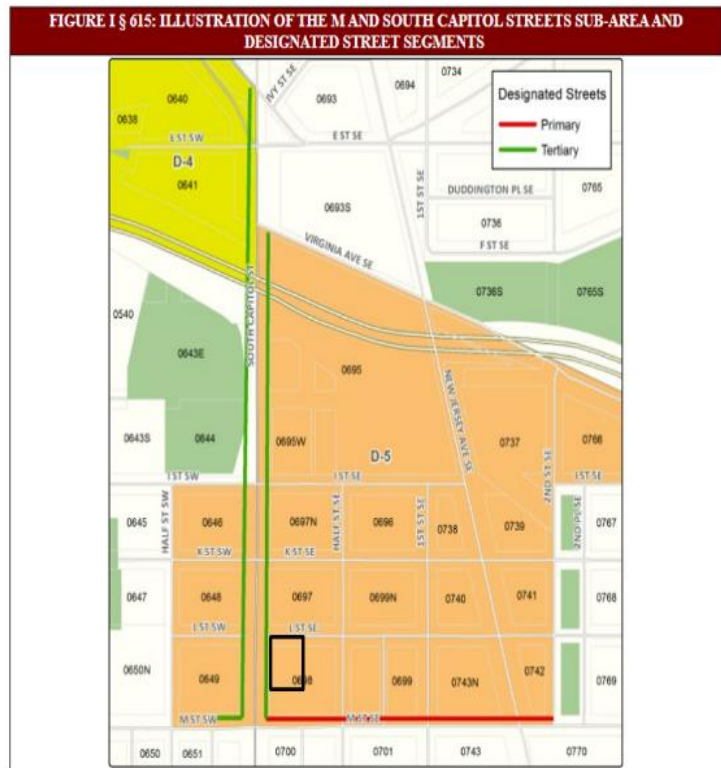
1. Brandice Elliott – The Applicant will seek to qualify Ms. Elliott as an expert in land use planning and zoning. A copy of her resume and an outline of her testimony are attached hereto as part of Exhibit B; and
2. Geoff Hurst – The Applicant may call Mr. Hurst to testify regarding the Project’s environmental and sustainability components, but the Applicant will not seek to qualify him as an expert. A copy of Mr. Hurst’s outline of testimony is attached hereto as part of Exhibit B.

VI. COMPLIANCE WITH STANDARDS FOR DESIGN REVIEW

The Applicant’s Statement in Support (Exhibit 4) sets forth in detail how the Project complies with the standard of review for Design Review. This analysis has been updated to reflect the changes to the Project and is re-stated in its entirety in this section.

A. Design Review Requirements for the M and South Capitol Streets Sub-Area (Subtitle I, Chapter 6)

The objectives of the M and South Capitol Streets Sub-Area are to ensure the preservation of the historically important axial view of the Capitol Dome and further the development of a high-density mixed-use corridor north of the Capitol Gateway neighborhood. Subtitle I § 616.1. The general location of the M and South Capitol Streets Sub-Area is the D-5 zoned property with frontage on either side of the designated tertiary street segment of South Capitol Street north of M Street, and the D-5 zoned property with frontage on the designated primary street segments on the north side of M Street, SE, between South Capitol Street and the Canal Blocks Park. See Subtitle I § 616.2 and Figure I § 615.



As shown on Figure I § 615 (above), the Property is included in this designated area due to its location on the east side of South Capitol Street, SE, north of M Street, with South Capitol Street being a tertiary street segment in this location. See also Figure I § 603.1 showing South Capitol Street, SE as a designated tertiary street segment adjacent to the Property.

1. Use Requirements for Properties on a Designated Tertiary Street Segment (South Capitol Street)

Pursuant to Subtitle I § 603.2, there are no use regulations specific to frontage on any designated tertiary street segment, with certain exceptions not applicable to the Property. Instead, the uses for a building with frontage on a designated tertiary street segment are governed by the zone district in which they are located. See Subtitle I § 616.5. The proposed building will contain residential use, potentially with retail and service uses located on the ground floor in the future. These uses are permitted as a matter-of-right in the D-5 zone.

2. Design Requirements for Properties on a Designated Tertiary Street Segment (South Capitol Street)

Pursuant to Subtitle I § 616.7, the streetwall of buildings on the eastern and western sides of South Capitol Street are required to be set back for their entire height and frontage not less than 15 feet from the property line adjacent to South Capitol Street, with certain exceptions not relevant

here. The goal of this setback requirement is to create an urban boulevard with a consistent view corridor that is 160-feet wide. As shown on Sheet A05 of the Updated Plans, the building is set back 15 feet from the property line for its entire South Capitol Street frontage and therefore complies with the standard of Subtitle I § 616.7 for properties located on South Capitol Street, SE.

The following requirements are also applicable to development of the Property's South Capitol Street frontage:

11-I DCMR § 616.7(d) - Any portion of a building that exceeds 110 feet in height is required to provide an additional 1:1 setback from the building line along South Capitol Street.

As shown on Sheet A22 of the Updated Plans, the building is 130 feet in height and provides a 1:1 setback from the building line along South Capitol Street above 110 feet.

11-I DCMR § 616.7(e) - There shall be no openings in building frontages adjacent to South Capitol Street that provide entrances or exits for vehicular parking or loading

As shown on Sheets A09 and A15 of the Updated Plans, there are no openings in the building adjacent to South Capitol Street that provide entrances or exits for parking or loading. All parking and loading access is provided from the public alley at the rear of the Property.

11-I DCMR § 616.7(f) - A minimum of seventy-five percent (75%) of the street-wall on the east side of South Capitol Street shall be constructed on the setback line

As shown on Sheet A19 of the Updated Plans, approximately 75.9% of the building's streetwall along South Capitol Street is constructed on the setback line.

B. General Design Review Requirements for D Zones (Subtitle I, Chapter 7)

All proposed uses, buildings, and structures facing the street segments in the M and South Capitol Streets Sub-Area are subject to review and approval by the Zoning Commission in accordance with the provisions in Subtitle I, Chapter 7. *See* Subtitle I §§ 616.8, 701.1 and 701.2. The Property is located on the tertiary street segment of South Capitol Street and is therefore subject to the Design Review regulations. The Project complies with the design requirements as set forth below.

11-IDCMR § 701.2(a) - In addition to proving that the proposed use, building, or structure meets the special exception standards set forth in Subtitle X, Chapter 9, an applicant requesting approval under this section shall prove that the proposed building or structure, including the siting, architectural design, site plan, landscaping, sidewalk treatment, and operation, will:

1. *Help achieve the objectives of the sub-area, as set forth in Subtitle I, Chapter 6, in which it is located;*

The Project complies with the objectives of the M and South Capitol Streets Sub-Area set forth in Subtitle I, Chapter 6. The objectives of this Sub-Area are to ensure the preservation of the historically important axial view of the Capitol Dome and further the development of a high-density mixed-use corridor north of the Capitol Gateway neighborhood. *See* Subtitle I § 616.1. Consistent with these objectives, the building preserves the important view of the Capitol Dome by providing setbacks at 110 feet as well as creating a consistent streetwall along South Capitol Street at the 15-foot setback line. *See* Sheets A22 and A23 of the Updated Plans.

In addition, the Project significantly advances South Capitol Street as a vibrant, high-density, and mixed-use corridor. The building will transform an existing parking lot into a high-density residential building that is well-sited along South Capitol Street and includes ground floor residential amenity spaces along the Property's South Capitol Street frontage, which will activate and improve the vibrancy of the streetscape. Large storefront windows will be provided at the ground level, and the adjacent streetscape will be improved with new paving, street trees, understory plantings, bioretention pits, and pedestrian-scaled features including lighting and bicycle racks. The solid building base, high quality materials, large window openings, active ground floor uses, and significant streetscape improvements will encourage activity, improve safety, and enhance the pedestrian experience along South Capitol Street.

In response to comments from OP following submission of the application, and as noted in Section III.A above, the Applicant relocated the previously-proposed ground floor courtyard to the second floor, such that the building's interior space now extends all the way to the 15-foot setback line to better engage the sidewalk and improve the pedestrian experience. Doing so helps to better advance the development of the mixed-use corridor while still preserving the important historic views of the Capitol Dome, all consistent with the stated objectives of the sub-area.

As also described above and as shown on Sheets C01 to C08 of the Updated Plans, the Applicant proposes to make important exterior improvements to the Church Property. These improvements include significant new landscaping, including new trees, lawn areas, plantings, and planters; new fences and gates; a dumpster and dumpster enclosure; relocated signage and statue; repaved parking lot; and a repointed and painted rectory façade. While the final details will be as approved by the Church, the Applicant believes that the proposed improvements, in combination with the improvements proposed to the public and private space adjacent to the Property, will significantly advance South Capitol Street as a monumental mixed-use corridor and help to preserve the axial view of the Capitol.

2. *Be in context with the surrounding neighborhood and street patterns;*

As shown in the Updated Plans, the building is contextual to the surrounding neighborhood and street patterns. A strong brick and masonry streetwall with large storefront windows and active interior amenity space will be provided along South Capitol Street at the 15 foot setback line. Significant new streetscape improvements will be provided in both public and private space on L and South Capitol Streets, as shown on Sheets L100, L101, L400, L401, and C01 of the Updated Plans, including upgrades to the Church Property. All parking and loading will be accessed from the public alley to minimize impacts on existing street patterns and surrounding uses.

The building has also been designed to respond to the different contexts, massing, and design aesthetics of the surrounding neighborhood, carefully bridging the style of the neighboring Church with the Navy Yard's industrial roots. For example, the building's proposed tonal masonry façade and classical architectural details are in direct relation to the Romanesque Revival style of the Church, designed by WF Wagner & Brothers and built in 1903. The building's two-story base and fluted third story will complement the scale of the Church. The Church's belltower reaches the building's 8th floor, at which point the expression of the building façade changes at the 9th floor and above.

The building's design and massing will also feature details that evoke the Navy Yard's industrial past. For example, the building's large grey metal storefronts and oversized windows with metal panel accents recall the factories that were historically located in the area. Metal cladding at the western corners and the penthouse level will continue this design motif.

As noted above and as shown on Sheets A16, A24, and A25 of the Updated Plans, the Applicant revised the L Street (north) façade to more appropriately highlight the residential entrance and also added further articulation on the alley façade (east) to provide a more visually interesting elevation. These revisions further help to bring the building into context with the surrounding neighborhood and street patterns.

The Project also respects the immediately-surrounding context of buildings that have been recently constructed and/or approved along South Capitol Street, all of which have or will have a maximum height of 130 feet, with setbacks at 110 feet. The building's massing of two towers maintains the streetwall while also providing relief with the break between the two towers.

Finally, the Kennedy building to the immediate east of the Property, across the public alley and fronting on L Street, was recently constructed to a height of 110 feet. The Applicant has incorporated a large third floor courtyard facing the north-south alley in order to provide greater separation between the Project and the

Kennedy building. As proposed, this large courtyard provides a separation of more than 50 feet for approximately one-half of the west façade of the Kennedy building along the alley.

3. *Minimize conflict between vehicles and pedestrians;*

Vehicular and pedestrian conflicts will be minimized because all parking and loading access into the Property will be provided from the public alley, rather than from L or South Capitol Streets. The loading facilities within the building have been specifically located to align with the intersection of the 30-foot east-west alley to more easily accommodate front-in and front-out truck movements. The Applicant will also provide a five-foot setback along the portion of the Property that does not include the Alley Easement, such that the existing 15-foot alley will have an effective width of 20 feet along the entire extent of the Property's east frontage, thus providing adequate vehicular maneuverability within the alley system. Accordingly, the design of the parking and loading facilities and the proposed circulation pattern will provide for the maximum amount of uninterrupted sidewalks, landscaping, and public spaces at the Property, and will ensure the greatest amount of pedestrian and bicycle safety.

To further advance this goal, and as shown on Sheet A05 of the Updated Plans, the Applicant will also provide a dedicated PUDO zone near the primary pedestrian entrance on L Street to accommodate rideshare (e.g., Uber, Lyft) and other short-term pick-up and drop-off activities (e.g., FedEx, UPS). The PUDO zone will provide space for these type of short-term deliveries to pull over so as not to exacerbate traffic conditions surrounding the Property. Accommodating vehicles in this manner will minimize impacts to traffic back-ups on the surrounding streets and increase pedestrian and bicycle safety. As noted above, the PUDO zone is being provided in addition to the zoning-compliant loading facilities located within the building and accessed from the public alley.

The Applicant will also implement a substantial TDM plan to help reduce travel demand and the number of single-occupancy private vehicles on the street during peak hours. The TDM plan will include a number of "Enhanced" and "Enhanced Plus" features (as defined by DDOT), including offering Capitol Bikeshare memberships and pre-loaded SmarTrip cards to residential units, and providing collapsible shopping carts and a bicycle repair station for use by Building residents.

4. *Minimize unarticulated blank walls adjacent to public spaces through facade articulation;*

As shown on the Updated Plans, the building will include extensive façade articulation and will use high quality materials along all four frontages. As noted above and in response to comments from OP, the Applicant revised the L Street

façade to highlight the residential entrance, relocated the ground level courtyard facing South Capitol Street to the second floor, and added more articulation to the alley façade, all with the goal of better integrating the building into the existing context and providing improved visual interest from all directions. The ground floor will provide clear inviting windows and extensive architectural expression, and the high-quality building materials will include brick, masonry, and metal. Significant setbacks and outdoor courts and terraces will also be provided to increase visual interest and enhance the overall aesthetic of the building within the varied vernacular.

5. *Minimize impact on the environment, as demonstrated through the provision of an evaluation of the proposal against LEED certification standards; and*

The building will be designed to meet the standards of LEED-NC Gold under the v.4 LEED standard. A draft LEED checklist for the building is included at Sheet A07 of the Updated Plans. Additional environmental benefits will be provided as described in Section III.B above.

11-I DCMR § 701.2(b) - With respect to a building or structure in a D zone that has frontage on South Capitol Street, SE or North Capitol Street south of M Street, NW:

1. *The building or structure shall incorporate massing, materials, and buildings and streetscape landscaping to further the design and development of properties in a manner that is sensitive to the establishment of, respectively, South Capitol Street or North Capitol Street as monumental civic boulevards;*

The Project will incorporate massing, materials, and streetscaping that are sensitive to establishing South Capitol Street as a monumental civic boulevard. The building will extend the existing development patterns along South Capitol Street to maintain the surrounding scale of development and create a consistent streetwall. The building will have a maximum height of 130 feet, with setbacks provided at 110 feet, which is consistent with the building heights and setbacks of surrounding buildings on this portion of the South Capitol Street corridor. The building will also be constructed up to the required 15-foot setback line, which is intended to provide a consistent streetwall along South Capitol Street.

As described above, the Applicant relocated the ground floor courtyard to the second level so that the building will have an even stronger base that grounds the Project and activates the adjacent public and private spaces. The building has been designed with extensive articulation, high quality materials, large storefront windows, active ground floor uses, and pedestrian-scaled features, all of which will benefit South Capitol Street. Extensive landscaping and improvements to the surrounding public and private spaces will also be provided to enhance the

pedestrian experience and aesthetic quality of South Capitol Street as an important urban boulevard.

Since the original filing, and as described above, the Applicant has agreed to make exterior improvements to the Church Property located to the south of the Property, such that the entire block between M and L Streets, SE, on the east side of South Capitol Street, will be improved to aid in the establishment of South Capitol Street as a monumental civic boulevard.

- 2. The building or structure shall incorporate massing, location of access to parking and loading, and location of service areas to recognize the proximate residential neighborhood use and context, as applicable; and*

The building's massing recognizes and respects the existing context of surrounding developments, including other 130 foot tall buildings along South Capitol Street and 110 foot tall buildings to the immediate east. The building maintains the streetwall along South Capitol Street. The building also has a large courtyard at the third floor to increase the distance between the building and the Kennedy condominium to the east across the public alley.

Moreover, as stated previously, all parking and loading access and service areas are accessed from the public alley at the rear of the Property to maximize safety for pedestrians and cyclists and minimize impacts on the surrounding residential neighborhood. The Applicant will provide a five-foot building setback along the alley to extend the existing five-foot easement and establish an effective alley width of 20 feet to accommodate all vehicular movements outside of the pedestrian realm.

- 3. The application shall include a view analysis that assesses openness of views and vistas around, including views toward the Capitol Dome and other federal monumental buildings.*

Due to the 15-foot setback provided along South Capitol Street, the building maintains open views and vistas towards the Capitol Dome. *See* Sheets A22 and A23 of the Updated Plans.

C. Zoning Relief

Pursuant to Subtitle I § 701.3, the Zoning Commission may hear and decide any additional requests for special exception or variance relief needed for the subject property. Such requests shall be advertised, heard, and decided together with the application for Zoning Commission review and approval. See also Subtitle X §§ 603.1, 603.3 and 603.4. **In this case, relief from the Zoning Regulations is not required and is not being requested.**

D. Special Exception Standards (Subtitle X § 901.2)

Pursuant to Subtitle I § 701.2(a), new buildings or structures on a designated street segment within the M and South Capitol Streets Sub-Area must meet the special exception standards set forth in Subtitle X, Chapter 9. Accordingly, pursuant to Subtitle X § 901.2, the Commission must find that the Project will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Map.

In this case, the Project will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps. The building meets all of the dimensional and use requirements for a site within the M and South Capitol Streets Sub-Area and also meets all of the development and use standards for the D-5 zone. Moreover, as described in Section VI.B.1 of this statement, the Project is fully consistent with the goals of the Sub-Area to preserve the axial view of the Capitol Dome and further the development of South Capitol Street as a vibrant, high-density and mixed-use corridor.

The building also will not tend to affect adversely the use of neighboring property. The majority of developed properties in the immediate area along South Capitol Street are improved with 110 to 130-foot tall, high-density mixed-use buildings. Thus, the height and density proposed for the Project is fully consistent with the surrounding massing and neighborhood character and fully complies with the standards for the D-5 zone. The proposed residential use will also be fully consistent with the uses in the surrounding area, and the proposed ground floor design and landscaping will activate and reinvigorate the vibrancy of South Capitol Street as a walkable and pedestrian-friendly urban boulevard. Furthermore, providing vehicular access only from the public alley, providing the substantial TDM plan described above, and establishing a PUDO zone for short-term pick-ups and drop-offs, will minimize potential conflicts between pedestrians and vehicles and reduce reliance on private vehicles during peak hour trips.

In addition, the Applicant has discussed the Project with the owners of the two abutting properties, which include the Church to the south and the Kennedy condominium building to the east. The Church submitted a letter in support of the Project, which is included in the case record at Exhibit 9. The Applicant presented the Project at the Kennedy's condominium board meeting on October 18, 2022, wherein board members provided feedback on the Project. The Applicant is continuing to work with the Kennedy's condominium board.

Accordingly, the Project will be fully consistent with existing development and will not affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Map.

E. Applicability of Design Review Standards

As described above, the application is subject to and complies with the following standards: (i) the M and South Capitol Street Sub-Area Design Review standards in Subtitle I § 616; (ii) the

general Design Review standards for D zones in Subtitle I, Chapter 7; and (iii) the special exception criteria of Subtitle X § 901.2.

In addition to these three applicable standards of review, Subtitle X, Chapter 6 establishes standards of review for Design Review cases generally, which standards include an evaluation of how a proposed project is not inconsistent with the Comprehensive Plan or with other adopted public policies and active programs. **However, projects that are subject to Design Review due to their location with frontage on a designated street segment identified in Subtitle I are specifically exempted from the standards of Subtitle X, Chapter 6.** See Subtitle X § 601.1, stating that “[e]xcept for Design Review required by Chapter 7 of Subtitle I, this chapter applies to any instance when the Zoning Regulations require Zoning Commission review of any building, structure, or use other than a campus plan. Such a review shall hereinafter be referred to as a ‘Mandatory Design Review’” (emphasis added). **Thus, the Applicant is not required to provide an analysis of the Project’s compliance with the standards set forth in Subtitle X, Chapter 6, which include demonstrating that the “proposed design review development is not inconsistent with the Comprehensive Plan.”** See 11-X DCMR § 604.5.

The Zoning Commission has consistently and recently agreed that in a Design Review case its authority is limited to whether the applicant meets the Design Review standards specific to that property. See Z.C. Order No. 20-14, effective as of November 5, 2021, which approved a Design Review application for property located in the M and South Capitol Streets sub-area directly across South Capitol Street from the Property. In that case, the Zoning Commission concluded that “pursuant to Subtitle X § 601.1, an evaluation of the Project’s consistency with the [Southwest] Plan, or any part of the [Comprehensive Plan], is not required as part of the subject Design Review application (Conclusion of Law No. 15). The Commission concluded that “the Applicant has no obligation to show the Project is consistent with the Comprehensive Plan, or other planning documents such as the [Southwest] Small Area Plan because the *applicable design review regulations do not impose an obligation to show the application is consistent with the CP or other planning documents. The Zoning Commission has consistently determined that in a design review case its authority is limited to whether the applicant has met the design review standards specific to that property*” (emphasis added) (Conclusion of Law No. 8). The Commission further stated that “[t]he only provision in the Zoning Regulations that requires a showing that a design review application is not inconsistent with the Comprehensive Plan or other planning documents is found in Subtitle X, Chapter 6. It also provides that projects that are subject to design review due to their location with frontage on a designated street segment identified in Subtitle I, such as this one, are *specifically exempted* from the standards of Subtitle X, Chapter 6 (see Subtitle X § 601.1).” See Z.C. Order No. 20-14, Footnote 4.

See also Z.C. Order Nos. 21-12, 19-23, and 17-25, wherein the Zoning Commission approved Design Review applications for properties within the M and South Capitol Streets sub-area and in doing so did not evaluate the standards of Subtitle X, Chapter 6. Accordingly, there is significant and recent precedent of the Zoning Commission adhering to the Zoning Regulations and refusing to undertake a Comprehensive Plan analysis for Design Review cases such as the present application.

As noted above, the type of review established by Subtitle I for the Property requires that projects meet “the special exception standards set forth in Subtitle X, Chapter 9” along with the other design standards associated with the specific sub-area in which A property is located and the general Design Review standards for D zones. Special exceptions are typically heard by the Board of Zoning Adjustment (“BZA”), “[e]xcept for those special exceptions heard by the Zoning Commission.” 11-X DCMR § 900.1. The D.C. Court of Appeals has recently confirmed that for special exception review, the BZA has no authority to review a project’s consistency with the Comprehensive Plan. *See Mass. Ave. Heights Citizens Assoc., v. Dist. of Columbia Bd. of Zoning Adjustment*, No. 19-AA-1049, Mem. Op. and Judgment (D.C. Sept. 6 2022) (per curiam) (slip op.), stating that “the BZA ‘has only the limited function of assuring that the regulations adopted by the Zoning Commission are followed; the BZA has no authority to implement the Comprehensive Plan’” (citation and internal quotation marks and brackets omitted). “Our review is likewise limited to ensuring that the BZA followed the regulations, not the Comprehensive Plan.” *Id.* Given that the Zoning Commission’s review in the present case is limited to the special exception standard of review, the Commission is required to review the application based on the special exception standard and the other applicable design-related criteria and not based on the Comprehensive Plan.

Despite the foregoing, the Applicant understands the importance of evaluating all zoning actions through a racial equity lens. Although this is generally completed as part of a Comprehensive Plan analysis, which is not required in this case for the foregoing reasons, the Applicant has included at Exhibit C an analysis as to how the Project helps to create and support an equitable and inclusive city as well as how the Project is not inconsistent with the Comprehensive Plan.

V. DESIGN FLEXIBILITY

The Applicant requests the following design flexibility for the Project, with only limited modifications since the Applicant’s original filing (which are shown in underline):

- a. Interior Components: To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, atria, and mechanical rooms, provided that the variations do not change the exterior configuration of the building as shown on the plans approved by the Order;
- b. Exterior Materials - Color: To vary the final selection of the colors of the exterior materials based on availability at the time of construction, provided such colors are within the color ranges shown on the plans approved by the Order;
- c. Exterior Details - Location and Dimension: To make minor refinements to the locations and dimensions of exterior details that do not substantially alter the exterior configuration of the building or design shown on the plans approved by the Order. Examples of exterior details would include, but are not limited to, doorways, canopies, railings, windows, and skylights;

- d. Ground Floor Uses: To replace the proposed ground-floor residential amenity space with retail space if retail demand along South Capitol Street increases in the future, so long as doing so does not materially impact the ground-floor façade design other than in compliance with the flexibility provided herein;
- e. Retail Entrances: If retail is provided, to locate retail entrances in accordance with the needs of retail tenants and to vary the facades as necessary;
- f. Retail Uses: If retail is provided, to vary the types of uses designated as retail use to include the following use categories (i) Retail (11-B DCMR § 200.2(cc)); (ii) Services, General (11-B DCMR § 200.2(dd)); (iii) Services, Financial (11-B DCMR § 200.2(ee)); and (iv) Eating and Drinking Establishments (11-B DCMR § 200.2(j));
- g. Exterior Courtyards and Rooftop: To vary the configuration and layout of the exterior courtyards and rooftops, including the location and size of the rooftop pool, so long as the courtyards and rooftops continue to function in the manner proposed and the overall design intent, general locations for landscaping and hardscaping, and quality of materials are maintained;
- h. Number of Units: To provide a range in the approved number of residential dwelling units of plus or minus 10%;
- i. Parking Layout: To make refinements to the approved parking configuration, including layout and number of parking spaces of plus or minus 10%;
- j. Streetscape Design: To vary the location, attributes, and general design of the approved streetscape to comply with the requirements of, and the approval by, the DDOT Public Space Division;
- k. Signage: To vary the font, message, logo, and color of the approved signage, provided that (i) digital and neon signage shall not be permitted on the exterior of the building; (ii) the maximum overall dimensions and signage materials are consistent with the signage on the plans approved by the order; ~~and~~ (iii) the signage is compliant with the D.C. signage regulations; and (iv) retail signage for potential ground floor retail tenants may be added at the storefront, consistent with all applicable signage regulations;
- l. Sustainable Features: To vary the approved sustainable features of the building, provided the total number of LEED points achievable for the building does not decrease below the minimum required for the LEED standard specified by the Order.

VI. ENGAGEMENT WITH THE ANC AND COMMUNITY

A. Engagement with ANC and Responses to Issues Raised

The Applicant met with ANC 6D on multiple occasions to present the Project and respond to questions and concerns raised by commissioners and the community. The Applicant first met with the Single Member District (“SMD”) representative (6D02) and the ANC 6D chair on June 27, 2022, during which a variety of considerations and questions were raised, particularly related to unit mix, tenure, and affordability. The Applicant responded to those questions at the meeting.

The Applicant subsequently presented the Project at the ANC’s Administrative meeting on July 11, 2022, during which the Applicant responded to additional questions on unit mix and type, affordability, parking ratios, engagement with the owner of the Church, and the design and materiality of the building. The Applicant also presented the Project at the ANC’s Administrative meeting on September 6, 2022, during which it presented updates based on the ANC’s prior feedback.

The Applicant presented the Project at the ANC’s regularly scheduled, duly noticed public meeting on October 11, 2022, at which the ANC raised additional questions and concerns and requested that the Applicant provide responses to each. The issues raised by the Commissioners and the Applicant’s responses thereto are set forth below. The Applicant will present to ANC 6D again at its November 14, 2022, public meeting.

1. **Inclusionary Zoning**

ANC Comment: The ANC stated that although the Project is exempt from Inclusionary Zoning (“IZ”), that the Applicant should nonetheless provide non-required affordable housing units.

Applicant’s Response: The Applicant is not proposing to provide IZ or non-required affordable housing units as part of the Project. Pursuant to Subtitle I § 539.2, residential density in the D-5 zone is not subject to the IZ requirements or bonuses of Subtitle C, Chapter 10, other than the use of penthouse habitable space pursuant to Subtitle C § 1507, with which the Applicant will comply. The IZ program was originally established based on the principle that IZ bonus density would provide sufficient benefits to appropriately balance against the burden of developing affordable housing, thus ensuring that there would be no disincentive to develop new housing in the District. In adopting the IZ regulations, the Zoning Commission deliberately exempted certain areas within the city, including those in high-density commercial zones, from the IZ requirements because there was no ability to absorb compensating bonus density to help offset the IZ requirements.

Furthermore, when the 2016 Zoning Regulations were adopted, new and additional burdens were also placed on the properties that were converted to the D-5 zone along South Capitol Street in order to achieve the urban design goals for this monumental boulevard, including the following:

- i. Requiring a 15-foot building setback along the entire South Capitol Street frontage to create an urban boulevard with an effective width of 160-feet, which effectively limited the amount of development that could be placed on the site.
- ii. Requiring a 1:1 building setback at the 110 foot level to establish a monumental view corridor towards the Capitol. The effect of the required setback is to eliminate significant additional density and further limit the availability of rooftop structures and uses; and
- iii. Establishing Design Review procedures that require a level and quality of design, materiality, and programming that are well above those required for other new matter-of-right development. Examples include compliance with standards related to architecture, site planning, landscaping, sidewalk treatment, vehicular and loading operations, and environmental review, among others. The effect of this process results in additional time and costs associated with site redevelopment, in addition to the cost of constructing and maintaining a higher quality project.

Accordingly, the existing Zoning Regulations, including the inapplicability of IZ in the D-5 zone and the specific design requirements applicable to the Property, collectively highlight the District's priority of bringing superior development to South Capitol Street while not deterring growth by also requiring affordable housing. As set forth in this statement, the proposed Project is fully consistent with the Zoning Regulations, including all of the applicable Design Review standards, which will ensure that the District's goals for South Capitol Street are realized through high quality and inclusive design.

2. Unit Size and Mix

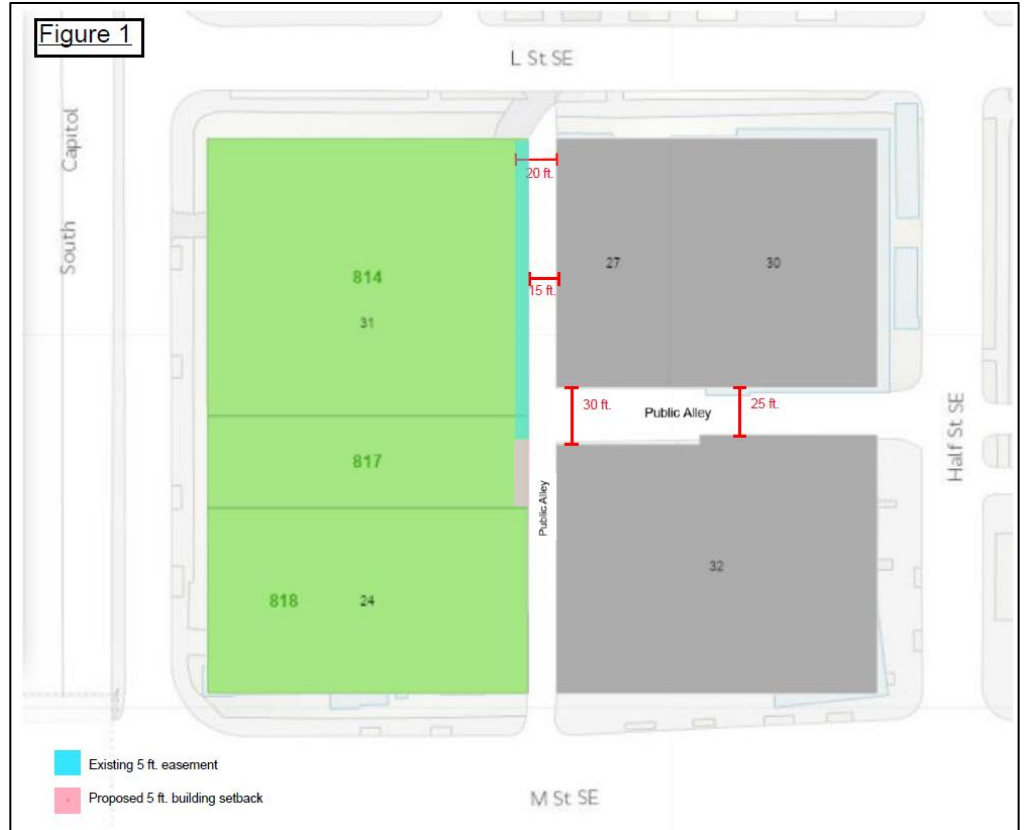
ANC Comment: ANC asked the Applicant to provide the average unit size within the building and the mix of unit types.

Applicant's Response: The approximate average unit size is 900 square feet. The approximate unit mix is 8% studios; 60% one-bedrooms; and 32% two- and three-bedrooms.

3. Vehicular Movements within the Alley

ANC Comment: The ANC asked for additional information on vehicular movements and uses within the alley and information on how the Applicant is addressing pedestrian safety within the alley. Members of the community expressed concerns with existing traffic in the alley and stated that the Project would exacerbate existing conditions.

Applicant's Response: As shown on Figure 1, the Property abuts a 15-foot wide north-south public alley in which all vehicular and loading activity will occur. The Property has an existing five-foot wide surface easement that runs along the northern portion of its east frontage and requires the building to be set back a minimum of five feet from the alley in this location. The Applicant proposes to extend the five-foot wide building setback to the southern portion of the Property's east frontage, such that the



alley would have an effective width of 20 feet for the full extent of the Property. Doing so will allow for two-way vehicular movements within the alley, thus avoiding a situation in which a vehicle is stopped in the alley and other vehicles cannot pass.

As shown on Figure 1, the public alley system in Square 698 includes the 15-foot north-south alley (effectively 20 feet) abutting the Property that runs from L Street to M Street, and a 30-foot east-west alley that runs from the north-south alley and then narrows to 25 feet before it intersects with Half Street. Vehicles accessing the Property will do so by turning into the north-south alley from L Street to access the parking garage entrance, which has been placed at the closest point possible to L Street to minimize traffic within the alley.

As shown on the Updated Plans, the entrance to the parking garage is located directly to the south of L Street, and the entrance to the loading facilities is located immediately to the south of the parking garage entrance. Accordingly, once vehicles enter the alley from L Street, they will immediately enter the Project rather than driving through the alley system, which limits additional traffic within the alley system. Thus, if vehicles are turning into the alley for the purpose of accessing the Property, they would have no reason to double-park in the alley or drive through the rest of the alley system, and would instead be turning directly into the parking garage or loading facilities. The same process works in reverse for vehicles exiting the Property: they would turn left out of the parking garage or loading facilities and exit the alley system onto L Street to the north. Alternatively, trucks leaving the loading dock could exit straight out of the building towards Half

Street via the east-west alley. Either way, and as shown on the Loading Analysis Diagrams attached hereto as Exhibit D, all loading turning maneuvers can be accommodated on-site, and the facilities have been designed to limit vehicular activity in the alley and maximize pedestrian safety. Accordingly, any existing traffic in the alley will not be exacerbated due to the Project.

Regarding pedestrian safety in the alley, the Applicant notes that the purpose of alleys is to facilitate vehicular movements and accommodate loading and trash pick-ups; accordingly the Project does not have pedestrian entrances that allow for ingress/egress to the public alley. Instead, the Applicant has located the primary pedestrian access from L Street, which provides excellent pedestrian connectivity to the neighborhood through the significantly improved public space on both L and South Capitol Streets. Moreover, the Zoning Regulations specifically prohibit vehicular entrances to a garage or loading zone on the face of a building adjacent to a public street if there is an improved accessible alley that is consistently 15 feet wide connecting a public street to the building's rear or side property line. *See* Subtitle I § 401.1. Accordingly, the Applicant has located the parking and loading access in the alley and the pedestrian entrances along the street frontages, in full compliance with the Zoning Regulations and in a manner that supports the highest level of pedestrian safety.

4. PUDO Zone and Fed-Ex/UPS Deliveries

ANC Comment: The ANC stated that the Applicant's proposed PUDO zone adjacent to the main building entrance would create additional traffic issues on L Street. The ANC also stated that FedEx, UPS, and other delivery companies would not use the on-site loading facilities for deliveries and would instead double-park on L Street and drop off packages in the main lobby.

Applicant's Response: In response to the ANC's concern regarding double-parking on L Street, the Applicant proposes a 60-foot long PUDO zone adjacent to the building's main entrance, which will accommodate three cars. In addition, the Applicant proposes a separate 30-foot curbside loading zone farther to the east on L Street, near the intersection with the north-south alley. The PUDO and curbside loading zones will provide an area for short-term deliveries (e.g., FedEx and UPS) and rideshare vehicles (e.g., Uber and Lyft) to pull out of the travel lane so that they do not have to double-park on L Street while making a delivery or drop-off.

The Applicant worked with DDOT to evaluate other options to accommodate short-term loading and pick-up/drop-off activity and address the ANC's concern with double-parking in the public right-of-way. One option was to add an additional loading space on the east side of the Property adjacent to the north-south alley, directly to the south of L Street. However, DDOT suggested that any type of additional loading facility would need to be farther south within the alley so as to not impact the sidewalk when trucks are pulling in or backing out. Thus, the additional loading facility would provide no greater relief for the PUDO than the zoning-compliant loading facilities already provide. Specifically, the proposed loading facilities include a 30-foot loading berth and a 20-foot service/delivery space, which are accessed from the public alley and provide direct access to the building's package room. Accordingly, DDOT recommended and the Applicant agreed that providing both the PUDO and curbside loading zones on L Street would be

the most appropriate and accessible location to accommodate short-term loading, with additional loading occurring in the easily accessible loading facilities for the Project.

5. Lighting

ANC Comment: The ANC asked the Applicant to submit a lighting plan, including precedent images, and provide proposed language that precludes extraneous, strange, or neon exterior building lighting.

Applicant's Response: As shown on Sheets LTG01 to LTG04 of the Updated Plans, the Applicant provided a Lighting Plan as requested by the ANC. As shown on the Lighting Plan, the building's exterior lighting will provide illumination and sconces at the main entry on L Street, as well as code-required foot candles at the sidewalk, alley, and roof deck surfaces. Dim landscape lighting will be provided within the 15-foot setback area and within the second- and third-floor courtyards. The Applicant will not incorporate neon lighting on the exterior of the Project and agrees that adherence to the Lighting Plan would be included as a condition to the final order approving the Project, with proposed language as follows:

For the life of the Project, the Applicant shall install building lighting that is consistent with the lighting shown on the Lighting Plan and shall prohibit neon lighting on the exterior of the Project.

6. Pet Relief and Fees

ANC Comment: The ANC asked the Applicant to provide additional information on how the proposed pet relief area on the roof would operate and how it would be maintained in clean and working order. The ANC also stated that if there is a pet fee for building residents, then the Applicant should provide (i) pet relief bags at the front desk at all times; and (ii) a pet relief disposal attached to the building.

Applicant's Response: As shown on the attached Pet Relief Drainage Diagram (Exhibit E), the pet relief area on the roof will be made of synthetic turf and will have a spray irrigation and drainage system. The system will be constructed on top of the building's structural slab, and then layered with a waterproof membrane, drainage mat and protection board, insulation, filter fabric and stones, synthetic lawn, and non-toxic odor reducing crystals. The turf will have a self-cleaning system with a timed sprinkler system that washes the turf every hour. The rooftop pet relief area will also have a pet waste station, bag dispenser, trash receptacle, drinking fountain, water bowls, and benches.

In response to the ANC's second request, the Applicant agrees to (i) provide pet relief bags in or near the residential lobby at all times; and (ii) install a pet relief disposal facility attached to the building. The Applicant agrees that such commitments would be included as conditions to the final order approving the Project.

7. Amenity fees

ANC Comment: The ANC stated that if the Applicant charges an amenity fee for building residents, that it should not also charge residents for individual amenities.

Applicant's Response: The Applicant agrees that if it charges an amenity fee for building residents, the Applicant will clearly identify all amenities that are included in the amenity fee. The Applicant will also disclose any additional amenities or other services that are not included in the fee.

B. Engagement with Residents of The Kennedy

The Applicant met with the Kennedy's condominium board on October 18, 2022, to present the Project and request feedback from its closest residential neighbors. Members of the Kennedy's condominium board raised questions, primarily related to Project construction, vehicular access, loading, and use of the alley. The Applicant responded to those questions raised and is providing additional information as requested. The Applicant will continue to work with the Kennedy as the project progresses, particularly prior to and during construction to mitigate impact to existing residents.

VII. CONCLUSION

For the foregoing reasons, the application meets the requirements and standards for Design Review in the M and South Capitol Street Sub-Area. The Applicant has worked closely with OP, DDOT, DOEE, the ANC, and surrounding neighbors to provide Project updates and to refine the final design aesthetic of the building in response to feedback. The Applicant looks forward to making a formal presentation on the application at the Commission's virtual public meeting on November 17, 2022.

Respectfully submitted,

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